

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation  
Against:**

**Sujata Lalla Reddy, M.D.**

**Physician's and Surgeon's  
Certificate No. A 75875**

**Respondent**

**Case No. 800-2015-014886**


**DECISION**

**The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on May 31, 2019.**

**IT IS SO ORDERED May 3, 2019.**

**MEDICAL BOARD OF CALIFORNIA**

By:   
**Kristina D. Lawson, J.D., Chair  
Panel B**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 ROSEMARY F. LUZON  
Deputy Attorney General  
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600 West Broadway, Suite 1800  
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8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against:

14 **SUJATA LALLA REDDY, M.D.**  
15 **P.O. Box 11629**  
**Newport Beach, CA 92658-5036**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 75875,**

18 Respondent.

Case No. 800-2015-014886

OAH No. 2018040918

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board  
23 of California (Board). She brought this action solely in her official capacity and is represented in  
24 this matter by Xavier Becerra, Attorney General of the State of California, by Rosemary F.  
25 Luzon, Deputy Attorney General.

26 2. Respondent Sujata Lalla Reddy, M.D. (Respondent) is represented in this proceeding  
27 by attorney Raymond J. McMahon, Esq., whose address is: 5440 Trabuco Road, Irvine,  
28 California 92620.

3. On or about July 14, 2001, the Board issued Physician's and Surgeon's Certificate No. A 75875 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in Accusation No. 800-2015-014886, and will expire on December 31, 2020, unless renewed.

## JURISDICTION

4. On or about March 13, 2018, Accusation No. 800-2015-014886 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on or about March 13, 2018. Respondent timely filed her Notice of Defense contesting the Accusation. A true and correct copy of Accusation No. 800-2015-014886 is attached as Exhibit A and incorporated by reference as if fully set forth herein.

## **ADVISEMENT AND WAIVERS**

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 800-2015-014886. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws, having been fully advised of same by her attorney of record, Raymond J. McMahon, Esq.

7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 8. Respondent does not contest that, at an administrative hearing, Complainant could  
3 establish a *prima facie* case with respect to the charges and allegations contained in Accusation  
4 No. 800-2015-014886, a copy of which is attached hereto as Exhibit A, and that she has thereby  
5 subjected her Physician's and Surgeon's Certificate No. A 75875 to disciplinary action.

6 9. Respondent agrees that if an accusation is ever filed against her before the Medical  
7 Board of California, all of the charges and allegations contained in Accusation No. 800-2015-  
8 014886 shall be deemed true, correct and fully admitted by Respondent for purposes of that  
9 proceeding or any other licensing proceeding involving Respondent in the State of California.

10 10. Respondent agrees that her Physician's and Surgeon's Certificate No. A 75875 is  
11 subject to discipline and she agrees to be bound by the Board's imposition of discipline as set  
12 forth in the Disciplinary Order below.

13 **CONTINGENCY**

14 11. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the  
15 Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be  
16 submitted to the Board for its consideration in the above-entitled matter and, further, that the  
17 Board shall have a reasonable period of time in which to consider and act on this Stipulated  
18 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully  
19 understands and agrees that she may not withdraw her agreement or seek to rescind this  
20 stipulation prior to the time the Board considers and acts upon it.

21 12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null  
22 and void and not binding upon the parties unless approved and adopted by the Board, except for  
23 this paragraph, which shall remain in full force and effect. Respondent fully understands and  
24 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and  
25 Disciplinary Order, the Board may receive oral and written communications from its staff and/or  
26 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify  
27 the Board, any member thereof, and/or any other person from future participation in this or any  
28 other matter affecting or involving Respondent. In the event that the Board does not, in its

1 discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the  
2 exception of this paragraph, it shall not become effective, shall be of no evidentiary value  
3 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party  
4 hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order  
5 be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any  
6 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this  
7 Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

### 8 **ADDITIONAL PROVISIONS**

9 13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein  
10 to be an integrated writing representing the complete, final and exclusive embodiment of the  
11 agreements of the parties in the above-entitled matter.

12 14. The parties understand and agree that Portable Document Format (PDF) and facsimile  
13 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
14 signatures thereto, shall have the same force and effect as the originals.

15 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
16 the Board may, without further notice to or opportunity to be heard by Respondent, issue and  
17 enter the following Disciplinary Order:

### 18 **DISCIPLINARY ORDER**

#### 19 1. **PUBLIC REPRIMAND.**

20 IT IS HEREBY ORDERED that Respondent Sujata Lalla Reddy, M.D., Physician's and  
21 Surgeon's Certificate No. A 75875, shall be and is hereby Publicly Reprimanded pursuant to  
22 California Business and Professions Code section 2227, subdivision (a), subsection (4). This  
23 Public Reprimand, which is issued in connection with Respondent's care and treatment of Patient  
24 A, as set forth in Accusation No. 800-2015-014886, is as follows:

25 You provided an infectious diseases consultation for Patient A, who was hospitalized  
26 for a pleural effusion; and you subsequently saw Patient A for a follow-up visit on an  
27 outpatient basis. Your notes were lacking in that they did not reflect an appropriate  
28 history, examination, impression, and treatment plan for Patient A, including an

adequate assessment, diagnosis, and plan relating to possible tuberculosis (TB) and possible mycoplasma infection as well as an adequate discussion with Patient A of the risks and benefits of the recommended treatment, as more fully described in Accusation No. 800-2015-014886, a true and correct copy of which is attached hereto as Exhibit A and incorporated by reference as if fully set forth herein.

2. EDUCATION COURSE.

Within 60 calendar days of the effective date of this Decision, Respondent shall submit to the Board or its designee for its prior approval educational program(s) or course(s) which shall not be less than 16 hours. The educational program(s) or course(s) shall be in the area of tuberculosis/infectious diseases, and shall be Category I certified. The educational program(s) or course(s) shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure. Following the completion of each course, the Board or its designee may administer an examination to test Respondent's knowledge of the course. Within one (1) year of the effective date of this Decision, Respondent shall provide proof of attendance for 41 hours of CME of which 16 hours were in satisfaction of this condition.

3. MEDICAL RECORD KEEPING COURSE.

Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a course in medical record keeping approved in advance by the Board or its designee. Respondent shall provide the approved course provider with any information and documents that the approved course provider may deem pertinent. Respondent shall participate in and successfully complete the classroom component of the course not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully complete any other component of the course within one (1) year of enrollment. The medical record keeping course shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

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1 A medical record keeping course taken after the acts that gave rise to the charges in the  
2 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board  
3 or its designee, be accepted towards the fulfillment of this condition if the course would have  
4 been approved by the Board or its designee had the course been taken after the effective date of  
5 this Decision.

6 Respondent shall submit a certification of successful completion to the Board or its  
7 designee not later than 15 calendar days after successfully completing the course, or not later than  
8 15 calendar days after the effective date of the Decision, whichever is later.

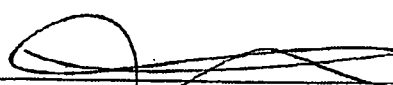
9 4. FAILURE TO COMPLY.

10 Any failure by Respondent to comply with the terms and conditions of the Disciplinary  
11 Order set forth above shall constitute unprofessional conduct and grounds for further disciplinary  
12 action.

13 ACCEPTANCE


14 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
15 discussed it with my attorney, Raymond J. McMahon, Esq. I understand the stipulation and the  
16 effect it will have on my Physician's and Surgeon's Certificate No. A 75875. I enter into this  
17 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
18 to be bound by the Decision and Order of the Medical Board of California.

19  
20 DATED: 1/15/19

  
21 SUJATA LALLA REDDY, M.D.  
22 Respondent

23 I have read and fully discussed with Respondent Sujata Lalla Reddy, M.D. the terms and  
24 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
25 I approve its form and content.

26  
27 DATED: 1/15/19

  
28 RAYMOND J. MCMAHON, ESQ.  
Attorney for Respondent

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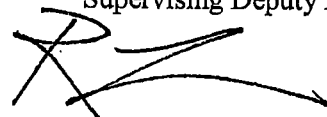
**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California.

Dated: 1/15/19

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General



ROSEMARY F. LUZON  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 800-2015-014886**

1 XAVIER BECERRA  
Attorney General of California  
2 ALEXANDRA M. ALVAREZ  
Supervising Deputy Attorney General  
3 ROSEMARY F. LUZON  
Deputy Attorney General  
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8 *Attorneys for Complainant*

10 **BEFORE THE**  
11 **MEDICAL BOARD OF CALIFORNIA**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2015-014886

14 **Sujata Lalla Reddy, M.D.**  
15 **P.O. Box 11629**  
**Newport Beach, CA 92658-5036**

**A C C U S A T I O N**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 75875,**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs (Board).

24 2. On or about July 14, 2001, the Medical Board issued Physician's and Surgeon's  
25 Certificate No. A 75875 to Sujata Lalla Reddy, M.D. (Respondent). The Physician's and  
26 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought  
27 herein and will expire on December 31, 2018, unless renewed.

28 ///

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO May 13 20 18  
BY D. Richards ANALYST

## JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2220 of the Code states:

“Except as otherwise provided by law, the board may take action against all persons guilty of violating this chapter. . .”

5. Section 2227 of the Code, states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

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1           “(b) Any matter heard pursuant to subdivision (a), except for warning letters,  
2           medical review or advisory conferences, professional competency examinations,  
3           continuing education activities, and cost reimbursement associated therewith that are  
4           agreed to with the board and successfully completed by the licensee, or other matters  
5           made confidential or privileged by existing law, is deemed public, and shall be made  
6           available to the public by the board pursuant to Section 803.1.”

7           6.     Section 2234 of the Code states:

8           “The board shall take action against any licensee who is charged with  
9           unprofessional conduct. In addition to other provisions of this article, unprofessional  
10          conduct includes, but is not limited to, the following:

11          “(a) Violating or attempting to violate, directly or indirectly, assisting in or  
12          abetting the violation of, or conspiring to violate any provision of this chapter.

13          “(b) Gross negligence.

14          “(c) Repeated negligent acts. To be repeated, there must be two or more  
15          negligent acts or omissions. An initial negligent act or omission followed by a  
16          separate and distinct departure from the applicable standard of care shall constitute  
17          repeated negligent acts.

18          “(1) An initial negligent diagnosis followed by an act or omission medically  
19          appropriate for that negligent diagnosis of the patient shall constitute a single  
20          negligent act.

21          “(2) When the standard of care requires a change in the diagnosis, act, or  
22          omission that constitutes the negligent act described in paragraph (1), including, but  
23          not limited to, a reevaluation of the diagnosis or a change in treatment, and the  
24          licensee’s conduct departs from the applicable standard of care, each departure  
25          constitutes a separate and distinct breach of the standard of care.

26          “...”

27        ///

28        ///

1       7.    Section 2266 of the Code states:

2               “The failure of a physician and surgeon to maintain adequate and accurate  
3 records relating to the provision of services to their patients constitutes unprofessional  
4 conduct.”

5                               **FIRST CAUSE FOR DISCIPLINE**

6                                       **(Gross Negligence)**

7       8.    Respondent has subjected her Physician’s and Surgeon’s Certificate No. A 75875 to  
8 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of  
9 the Code, in that she committed gross negligence in her care and treatment of Patient A, as more  
10 particularly alleged hereinafter:<sup>1</sup>

11       9.    On or about June 3, 2015, Patient A was admitted to Fountain Valley Regional  
12 Hospital and Medical Center in Fountain Valley, California. He did not have symptoms of active  
13 tuberculosis (TB), such as fever, chills, hemoptysis, or chest pain. Patient A reported that he had  
14 a positive skin test (PPD) for TB approximately 10 years prior to his admission and was being  
15 followed with yearly chest x-rays in case he developed active TB.

16       10.   On or about June 4, 2015, a chest CT was performed, which revealed a pleural  
17 effusion with atelectasis and minimal nonspecific adjacent ground glass opacity. The same day, a  
18 thoracentesis was also performed, removing approximately 900 ml of yellow fluid from his left  
19 chest.

20       11.   Due to concerns of active TB, sputum stains and cultures for Acid Fast Bacilli (AFB)  
21 were obtained on June 6, 2015 and June 7, 2015, respectively. The pleural fluid was also  
22 examined for AFB. The results were negative for AFB.

23       12.   On or about June 8, 2015, Patient A’s hospitalist ordered an infectious disease  
24 consultation. The consultation was performed by Respondent. It is unclear if Respondent first  
25 consulted with Patient A on June 9, 2015 or June 10, 2015.

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27                               

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28                               <sup>1</sup> References to “Patient A” herein are used to protect patient privacy.

1 13. The final report of Respondent's consultation with Patient A was electronically signed  
2 by Respondent on or about June 10, 2015.

3 14. The report does not include sections for Chief Complaint, History of Present Illness,  
4 Past Medical History, Review of Systems, and Assessment.

5 15. Under the "Subjective" section of the report, no information on the subjective state of  
6 Patient A is provided, other than noting that Patient A denied any symptoms of URI (Upper  
7 Respiratory Infection) and denied any known exposure to TB.

8 16. Under the "Physical Exam" section of the report, there is no mention of abdominal  
9 organomegaly, lymphadenopathy, skin changes, or bone or joint abnormalities.

10 17. The report includes a review of laboratory tests, however, the results from only one  
11 AFB test are noted and there is no mention of the results from the pleural fluid test or chest CT  
12 performed on or about June 4, 2015.

13 18. Under the "Impression & Plan" section of the report, there is no discussion of an  
14 impression or differential diagnosis. The proposed treatment for TB is included, however, there is  
15 no discussion regarding whether Patient A had latent or active TB. The note includes two options  
16 for treatment: (1) weekly INH (isonicotinic acid hydrazide) plus Rifapentine for three months; or  
17 (2) daily INH plus Rifampin for three months. The proposed treatment for positive mycoplasma  
18 titers with Azithromycin is also included, however, there is no discussion regarding the  
19 relationship between these positive findings and Patient A's pleural effusion, or the reasons for  
20 the proposed (and prescribed) duration of treatment. There is also no mention of the risks of  
21 therapy or possible medication side effects, including whether those issues were discussed with  
22 Patient A. The note concludes that the options for TB treatment were discussed with Patient A on  
23 "6/9" and that orders were written "today," when Patient A was to be discharged (*i.e.*, on June 10,  
24 2015).

25 19. Respondent had a further consultation with Patient A, and an addendum to the final  
26 report was electronically signed by Respondent on or about June 10, 2015.

27 20. The addendum does not indicate which TB regimen was decided upon or provide  
28 guidance for an outpatient treatment plan.

1       21. Patient A was discharged from the hospital on or about June 10, 2015.

2       22. Following Patient A's hospitalization, on or about June 30, 2015, Patient A had a  
3 follow-up visit with Respondent. The clinical visit summary was electronically signed by  
4 Respondent on or about July 14, 2016.

5       23. The main note appearing under the "History of Present Illness" section of the clinical  
6 visit summary relates to Respondent's belief that Patient A lied to the health department and to  
7 Respondent about taking his TB medications. However, the basis for Respondent's belief is not  
8 provided. Moreover, under the "Medications" section of the clinical visit summary, Respondent's  
9 present TB medications are noted.

10       24. Under the "Review of Systems" section of the clinical visit summary, many of the  
11 conditions noted are not applicable to Patient A.

12       25. Under the "Physical Examination" section of the clinical visit summary,  
13 hepatosplenomegaly is noted as absent, however, there is no mention of lymphadenopathy, skin  
14 changes, or bone or joint abnormalities.

15       26. Under the "Problems" section of the clinical visit summary, latent TB is noted,  
16 followed by a note under the "Plan of Care" heading stating that Respondent contacted the Orange  
17 County Health Department to report her concern that Patient A was not taking his TB  
18 medications.

19       27. The clinical visit summary does not include any discussion regarding Patient A's  
20 presumed mycoplasma infection.

21       28. Patient A was last seen by Respondent on or about June 30, 2015.

22       29. Respondent committed gross negligent acts in her care and treatment of Patient A,  
23 which included, but was not limited to, the following:

24       (a) Failing to accurately record an appropriate history, examination, impression,  
25 and treatment plan;

26       (b) Failing to perform an adequate assessment of whether Patient A had active or  
27 latent TB;

28       (c) Recommending a non-CDC approved therapy for latent TB;

- 1 (d) Prematurely implementing therapy for latent TB;  
2 (e) Failing to discuss the risks and benefits of the non-CDC approved therapy for  
3 latent TB;  
4 (f) Failing to take the necessary steps to exclude active TB to ensure appropriate  
5 use of isolation;  
6 (g) Improperly reporting Patient A to the Orange County Health Department;  
7 (h) Failing to properly assess and diagnose possible mycoplasma pneumonia with  
8 pleural effusion; and  
9 (i) Failing to properly manage possible mycoplasma pneumonia with pleural  
10 effusion with respect to the use of Azithromycin.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Repeated Negligence Acts)**

13 30. Respondent has subjected her Physician's and Surgeon's Certificate No. A 75875 to  
14 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (c), of  
15 the Code, in that she committed repeated negligent acts in her care and treatment of Patient A, as  
16 more particularly alleged hereinafter:

17 31. Paragraphs 8 through 29, above, are hereby incorporated by reference and re-alleged  
18 as if fully set forth herein.

19 32. Respondent committed repeated negligent acts in her care and treatment of Patient A,  
20 which included, but was not limited to, the following:

- 21 (a) Failing to perform an adequate examination of Patient A; and  
22 (b) Failing to discuss the risks and benefits of Respondent's treatment  
23 recommendations for TB.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Maintain Adequate and Accurate Records)**

3 33. Respondent has subjected her Physician's and Surgeon's Certificate No. A 75875 to  
4 disciplinary action under sections 2227 and 2234, as defined by section 2266, of the Code, in that  
5 she failed to maintain adequate and accurate records regarding her care and treatment of Patient  
6 A, as more particularly alleged in paragraphs 8 through 29, above, which are hereby incorporated  
7 by reference and re-alleged as if fully set forth herein.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Medical Board of California issue a decision:

11 1. Revoking or suspending Physician's and Surgeon's Certificate No. A 75875, issued to  
12 Respondent Sujata Lalla Reddy, M.D.;

13 2. Revoking, suspending or denying approval of Respondent Sujata Lalla Reddy, M.D.'s  
14 authority to supervise physician assistants, pursuant to section 3527 of the Code, and advanced  
15 practice nurses;

16 3. Ordering Respondent Sujata Lalla Reddy, M.D., if placed on probation, to pay the  
17 Board the costs of probation monitoring; and

18 4. Taking such other and further action as deemed necessary and proper.

19  
20 DATED: March 13, 2018

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
Complainant

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